

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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**MEMORANDUM**

February 11, 2003

TO: Commissioners and Interested Parties

FROM: Charles Lester, Deputy Director
Steve Monowitz, Coastal Planner

RE: **Annual Review of Coastal Development Permit Amendment 4-82-300-A5 for the Oceano Dunes State Vehicle Recreation Area (ODSVRA), San Luis Obispo County**

I. Staff Recommendation:

Staff recommends that the Commission take no action, which would renew Coastal Development Permit 4-82-300-A5 without change.

II. Procedural Summary:

In 1982 the Coastal Commission approved Coastal Development Permit (CDP) No. 4-82-300 for the construction of habitat fencing and entrance kiosks at Oceano Dunes State Vehicular Recreation Area (ODSVRA). That permit and subsequent amendments have established limits to the numbers of vehicles and campsites allowed, and required ongoing reviews to ensure that off-highway vehicle (OHV) recreation is managed consistent with the protection of sensitive dune habitats.

Various processes have been used to comply with this requirement. On February 14, 2001, the Commission endorsed (via Coastal Development Permit Amendment 4-82-300-A5) State Park's proposal to establish a Technical Review Team (TRT)¹ as an alternative to the carrying capacity approach established in 1994. The TRT was created to oversee monitoring of environmental and use trends in the Park and advise the Superintendent on resource management issues. As a condition of Commission approval, the TRT was required to include a scientific subcommittee that was to identify, develop and evaluate the scientific information needed by decision makers to ensure that the natural resources are adequately managed and protected. The Commission also required the amendment to be renewed annually. Specifically, Special Condition 2 states:

Renewal of Permit. Annually, the Commission shall review the overall effectiveness of the Technical Review Team in managing vehicle impacts at the ODSVRA. If the Commission is satisfied with the review, this

¹ The Coastal Commission adopted Revised Findings in support of this action on May 7, 2001.

amendment will remain in effect for an additional year. A longer permit may be requested in the future. Otherwise, an alternative approach to resource management, or set of management measures, may be instituted through this review process.

III. Analysis:

The annual review required by 4-82-300-A5 provides the Commission with an opportunity to review whether the TRT is providing an effective means of managing vehicle impacts, and where necessary, institute alternative approaches and/or management measures. In order to analyze the effectiveness of the TRT in accordance with this condition, the Commission must consider the progress that TRT has made in identifying and analyzing resource management issues, and evaluate whether current management measures are adequately protecting coastal resources. A full set of the conditions established by 4-82-300-A5 is attached as Exhibit 3.

A. TRT Effectiveness

The TRT process formulated by State Parks and approved by Coastal Development Permit Amendment 4-82-300-A5 establishes specific annual requirements based on a three-year start-up period. Special Condition 5 requires the TRT and the ODSVRA Superintendent to submit annual reports that summarize recreational use and habitat trends at the park, and that highlight TRT accomplishments. The second annual report must also include a final charter for the TRT, a ranking of research and management questions and priorities, and a scope of work for those projects identified as the highest priority.

The annual report submitted pursuant to this condition (attached as Exhibit 1) generally satisfies the requirements of this condition and demonstrates that the TRT has made progress in both procedural and substantive areas during its second year of operation. Procedurally, the TRT has adopted refinements to its Charter, including a problem statement to guide future management and monitoring efforts. These and other structural improvements have effectively carried out the recommendations in the Facilitator's Report submitted during the first annual review.

Substantively, the TRT and its Scientific Subcommittee have, among other things, reviewed and commented on the Habitat Monitoring System and the predator management programs being implemented at the park, and identified and prioritized research and management issues that require further study. The research and management priorities adopted by the TRT in compliance with Special Condition 5 are included as Attachment 8 to the annual report.

The annual report demonstrates that the ODSVRA and the TRT have complied with the 4-82-300-A5 with one exception; the TRT has yet to develop a scope of work for the priority research and management studies. The Scientific Subcommittee has, however, drafted a preliminary list of questions that the studies would need to address, and will review the proposed design of the studies once they are developed. Further development and implementation of these studies will be an important step for the TRT to complete as soon as possible, so that the research can be applied to the development of long-term management measures in coordination with the Habitat

Conservation Plan currently under development. The ability of the TRT to effectively address these needs over the next year will be evaluated as part of the Commission's next annual review.

B. Evaluation of Current Management Measures

Data regarding use trends and environmental resources at the ODSVRA provides important information regarding the effectiveness of various management approaches. A detailed analysis of multiple years of data was contained in the staff report for 4-82-300-A5, adopted by the Commission in February 2001. Data for the 2001 Snowy Plover and Least Tern nesting season was documented in a report prepared by the Point Reyes Bird Observatory (PRBO), presented to the Commission during the first annual review of the TRT, in May 2002. PRBO prepared a similar report for the 2003 nesting season, which is attached to this memorandum as Exhibit 2.

As described in the current PRBO report, new management actions were undertaken to protect Least Tern and Snowy Plover nests and chicks during the 2002 nesting season. These measures included the provision of increased buffer widths around protected nesting areas, and the implementation of a predator management program. Implementation of the new management measures appears to have had a positive result on the protection of the Snowy Plover and Least Tern during the 2002 nesting season. As stated on page 12 of the PRBO report:

The 2002 season for plovers was the most successful since banding of the chicks, which allows a fledge estimate, began in 1998. One chick fledged per breeding male is the estimated number needed for population stability. The 35 chicks fledged in 2002 exceed the number of breeding males and provide for population growth. The number of chicks known fledged in both 2000 (4) and 2001 (3) was below the level needed to maintain the population.

Other issues regarding the 2002 nesting season, such as clutch hatching rates, nest abandonment, and chick mortality are addressed in detail by the PRBO Report.

As the Commission may recall, a significant management issue raised during the first annual review of the TRT was whether to extend the fencing that protects the habitat for the Least Tern and Snowy Plover, as recommended in the PRBO report on the 2001 nesting season. At that time, there were differing opinions regarding the appropriateness of extending the fencing, until the cause of the extremely low fledgling rates documented during 2001 nesting was better understood. Protective fencing at the ODSVRA during the 2002 nesting season was therefore placed in the same location as in 2001, so the effects of predator management on fledgling rates could be evaluated. As discussed at the 2001 annual review, the proposal to extend the protective fencing would be reconsidered for the 2003 nesting season if Snowy Plover fledgling rates improved during the 2002 nesting season.

On this topic, the PRBO report on the 2002 nesting season suggests maintaining the same size and configuration of protective fencing installed for 2002, with the addition of a new fence to delineate the 100 foot buffer area on the north side of the 7-8 enclosure (see Figure 10 on page

16 of the PRBO Report, attached as Exhibit 2). The Scientific Subcommittee has proposed a modification to this recommendation that calls for a single fence to be installed around the 100 foot buffer area established during the 2002 nesting season. The Scientific Subcommittee has further recommended that the fence be extended northward to a point 200 feet south of Post Marker 6. This increase in the amount of protected shorebird nesting habitat was discussed by the TRT at its meeting of January 13, 2003. According to the draft meeting notes (attached as Exhibit 4, the TRT decided to pass this recommendation along to the Superintendent and the Coastal Commission without a formal commentary. A supplemental Scientific Subcommittee report responding to the concerns expressed by the TRT member representing recreational vehicle interests regarding this recommendation is attached to this report as Exhibit 5.

Another notable recommendation for the 2003 nesting season submitted is to extend the period in which the seasonal protective fencing will be retained. Specifically, the Scientific Subcommittee has endorsed PRBO's recommendation that the 19-acre portion of the 7-8 Exclosure north of the 7.5 revegetation site remain closed through fall and winter. The objective of this recommendation is to facilitate the development of natural habitat features (e.g., topographic features) that enhance nesting and chick rearing habitat.

These and other Scientific Subcommittee recommendations contained in the 2002 annual report have been transmitted for the consideration of the ODSVRA Superintendent. Based on discussions to date, it appears that the Superintendent is in general agreement with the recommendations, and will implement them during the 2003 nesting season provided the agreement of other regulatory agencies and the availability of the necessary finances.

IV. Conclusion:

During its second year of operation, the TRT has made progress in identifying the long-term resource management issues that need to be studied during the upcoming year, consistent with the timeframes and procedures envisioned by 4-82-300-A5. In the interim, the management measures being implemented within the ODSVRA by the Park Superintendent, in coordination with the TRT, Scientific Subcommittee, and other involved regulatory agencies, appear to be resulting in the improved protection of sensitive coastal resources. As a result, there does not appear to be a need for the Commission to revise the terms of 4-82-300-A5 at this point in time.

Attached Exhibits:

- Exhibit 1: 2002 Annual Report
- Exhibit 2: 2002 Nesting Season Report
- Exhibit 3: Special Conditions of 4-82-300-A5
- Exhibit 4: Draft January 13, 2003 TRT Meeting Summary
- Exhibit 5: January 29, 2003 Scientific Subcommittee Supplement
- Exhibit 6: Correspondence